

In further support of this Motion, Guardsmark relies upon its Memorandum of Law in Support of Defendant's Motion to Dismiss Intervening Complaint; Alternatively Motion for Partial Judgment on the Pleadings filed contemporaneously herewith, and the entire record of this matter.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of June, 2010, a copy of the foregoing electronically filed Defendant's Motion to Dismiss Intervening Complaint; Alternatively Motion for Partial Judgment on the Pleadings was served on the parties listed below by first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

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